

1 LOUIS A. LEONE, ESQ. (SBN: 099874)
2 JENNIFER N. LOGUE, ESQ. (SBN: 241910)
3 **STUBBS & LEONE**
4 2175 N. California Blvd., Suite 900
Walnut Creek, CA 94596
Telephone: (925) 974-8600
Facsimile: (925) 974-8601
5

6 Attorneys for Defendants
CITY OF PLEASANTON (erroneously sued
as Pleasant Police Department); OFFICER
JERRY NICELY; OFFICER MARDENE LASHLEY;
and OFFICER MARTENS
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 EUGENE E. FORTE; EILEEN FORTE;
GABRIELLE FORTE; JORDAN FORTE;
13 NOEL FORTE; JUSTON FORTE,

14 Plaintiff,
15 vs.

16 HYATT SUMMERFIELD SUITES
PLEASANTON; ANA AVILLA, individually
and as employee of HYATT
17 SUMMERFIELD SUITES PLEASANTON;
PLEASANTON POLICE DEPARTMENT;
OFFICER JERRY NICELY, individually
and in his official capacity; OFFICER
18 MARDENE LASHLEY, individually and in
her official capacity; OFFICER MARTENS,
individually and in his official capacity; and
19 DOES 1 through 25, inclusive,
20
21
22
23

Defendants.
24

Case No.: C11- 02568 CW

STIPULATION AND [PROPOSED]
ORDER CONTINUING SEPTEMBER 6,
2011 INITIAL CASE MANAGEMENT
CONFERENCE

25 WHEREAS the above-captioned matter was removed from the Superior Court of
26 the State of California, County of Alameda to the United States District Court for the
27 Northern District of California, Oakland Division on May 26, 2011;
28

STIPULATION AND [PROPOSED] ORDER CONTINUING SEPTEMBER 6, 2011 INITIAL CASE MANAGEMENT CONFERENCE

1 WHEREAS the initial case management conference is currently set for
2 September 6, 2011 at 2:00 p.m.;

3 WHEREAS William A. Lapcevic, Esq. has filed a motion to withdraw as counsel
4 of record for plaintiffs based in part on a conflict of interest;

5 WHEREAS recent communications from plaintiffs to Mr. Lapcevic has further
6 strained the relationship between Mr. Lapcevic and plaintiffs such that Mr. Lapcevic is
7 uncomfortable making any representations in joint case management statement or
8 otherwise on behalf of plaintiffs until his motion to withdraw is decided by the court;

9 WHEREAS the hearing on Mr. Lapcevic's motion to withdraw is currently set for
10 September 22, 2011 at 2:00 p.m.;

11 IT IS STIPULATED and respectfully requested by all parties to this action that the
12 initial case management conference currently scheduled for September 6, 2011 at 2:00
13 p.m. be continued to October 11, 2011 at 2:00 p.m., or as soon as possible thereafter,
14 and that the deadline for completing initial disclosures and for filing a joint case
15 management conference statement be continued accordingly in order to permit the
16 court to rule on Mr. Lapcevic's motion to withdraw a counsel of record for plaintiffs
17 before the parties are required to file a joint case management conference statement,
18 make initial disclosures and attend the initial case management conference.

19
20 Dated: August 15, 2011

ARATA, SWINGLE, SODHI & VAN EGMOND



21
22
23 WILLIAM A. LAPCEVIC, ESQ
24 Attorneys for Plaintiffs
25 EUGENE E. FORTE; EILEEN FORTE;
26 GABRIELLE FORTE; JORDAN FORTE; NOEL
27 FORTE; JUSTON FORTE,
28

1 Dated: August 15, 2011

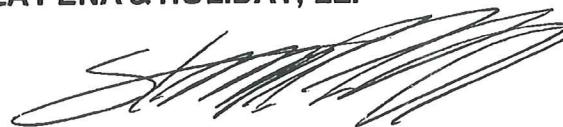
STUBBS & LEONE



LOUIS A. LEONE, ESQ.
JENNIFER N. LOGUE, ESQ.
Attorneys for Defendants
CITY OF PLEASANTON (erroneously sued
as Pleasant Police Department); OFFICER
JERRY NICELY; OFFICER MARDENE
LASHLEY; and OFFICER MARTENS

9 Dated: August 16, 2011

DE LA PEÑA & HOLIDAY, LLP



GREGORY R. DE LA PEÑA
STEVEN L. ROYCRAFT
Attorneys for Defendant
VERONICA VILLA

15
16 IT IS ORDERED THAT:

- 17 1. The Initial Case Management Conference is continued to October 11,
18 2011 at 2:00 p.m.; and
- 19 2. The deadlines for completing initial disclosures and for filing a joint case
20 management conference statement are continued accordingly.

21 Dated: 8/16/2011



District Judge Claudia Wilken